

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

UNITED STATES OF AMERICA	)	
	)	
v.	)	Case No. 5:22-cr-00008
	)	
GEARLD LEONARD DRAKE	)	

**MOTION FOR FINAL ORDER OF FORFEITURE**

The United States moves the Court for a Final Order of Forfeiture and as reason therefore states as follows:

(A) On May 15, 2023, a Preliminary Order of Forfeiture, ECF No. 47, was entered pursuant to 26 U.S.C. § 5872 and Federal Rule of Criminal Procedure 32.2. This Order provided for the forfeiture of certain personal property, subject only to any potential third-party petitions under 21 U.S.C. § 853(n).

(B) Pursuant to 21 U.S.C. § 853(n), the United States provided notice of the forfeiture as follows:

(1) Notice of the forfeiture was published on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least thirty consecutive days, beginning on May 17, 2023, as reflected in the Declaration of Publication attached hereto as Exhibit A and fully incorporated herein.

(2) On May 16, 2023, the United States caused a notice of forfeiture to be sent via First Class and Certified Mail to Estate of Arlene Betty Scott, as reflected in the proof of service attached as Exhibit B.

(C) No petitions have been filed, and the deadline for filing ancillary petitions expired on July 16, 2023.

WHEREFORE the United States moves the Court for a Final Order of Forfeiture. A proposed order will be submitted to the Court for consideration.

Respectfully submitted,

**CHRISTOPHER R. KAVANAUGH**  
United States Attorney

Date: September 25, 2023

/s/Melanie A. Smith  
MELANIE A. SMITH  
Assistant United States Attorney  
Virginia Bar No. 82663  
United States Attorney's Office  
U.S. Courthouse & Federal Building  
255 W. Main St., Room 130  
Charlottesville, Virginia 22902  
434-293-3180  
Melanie.Smith@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on September 25, 2023, I electronically filed this Motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/Melanie A. Smith  
Melanie A. Smith  
Assistant United States Attorney